

APPEAL NO. 021344
FILED JULY 5, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 8, 2002. The hearing officer decided that while the appellant/cross-respondent (claimant) sustained an injury to his neck and right shoulder when he was struck by a pipe in the course and scope of his employment on _____, he did not sustain a compensable injury or have resulting disability because the respondent/cross-appellant (carrier) is relieved from liability under Section 409.002 because of the claimant's failure to timely notify his employer pursuant to Section 409.001. The claimant appealed the hearing officer's decision that he did not sustain a compensable injury or have disability because the carrier is relieved of liability under Section 409.002 due to the claimant's failure to timely notify his employer pursuant to Section 409.001. The carrier responded, urging affirmance. The carrier cross-appealed the hearing officer's decision that the claimant sustained an injury to his neck and right shoulder in the course and scope of his employment. The file does not contain a response from the claimant.

DECISION

Affirmed.

There was conflicting evidence presented at the hearing on the issues. The hearing officer weighed the credibility and inconsistencies in the evidence and the hearing officer's determination on the issues is not against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MARCUS CHARLES MERRITT
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 200
IRVING, TEXAS 75063.**

Daniel R. Barry
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Philip F. O'Neill
Appeals Judge